

**Alexandria Township  
Land Use Board  
Meeting Minutes June 21, 2018**

**Chair Phil Rochelle** called the regular scheduled meeting of the Alexandria Township Land Use Board to order at 7:30 pm. The meeting was duly noticed.

**MEMBERS PRESENT:** Chair Phil Rochelle, Jackie Freedman, Judy Tucker, Mayor Garay, Township Committee R. Christian Pfefferle, Michael Giannone, Dick Kimsey

**MEMBERS ABSENT:** Aram Papazian, Dennis Canavan, Barbara Daniello, Frank Hahola, William Fritsche, Jim Pauch

**PROFESSIONALS PRESENT:** Land Use Attorney Bill Gianos, Land Use Engineer Tom Decker, Land Use Planner David Banisch

**OTHER ATTENDEES:** Attorney for Applicant Guy DeSapio, Chintan Patel, Myla Dizon

**OLD BUSINESS**

Approval of Resolution for Brown Application. Motion made for Resolution was by **Pfefferle** and seconded by **Kimsey**.  
**Ayes: Rochelle, Freedman, Tucker, Pfefferle, Giannone. Ineligible: Mayor Garay, Kimsey. No Nays.**

RESOLUTION OF  
ALEXANDRIA TOWNSHIP LAND USE BOARD

MINOR SUBDIVISION WITH C VARIANCES

Applicants: Frederick W. Brown & Pamela A. Brown  
Property: Block 21, Lot 12.01 & Block 21, Lot 13  
Zone: AR zone

WHEREAS, Frederick W. Brown & Pamela A. Brown (Applicant) have applied for a minor subdivision to transfer a portion of Lot 12.01 and add it to adjoining Lot 13 and to construct a 46 foot by 60 foot (2,760 square foot) garage barn on proposed revised Lot 13 as an accessory building to the existing dwelling; and

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WHEREAS, the Applicant appeared before the Board on May 17, 2018 for a completeness determination and also appeared on June 5, 2018 for a Public Hearing and was represented by John R. Lanza, Esq. as attorney for the Applicant at which time the following persons were sworn and gave testimony in this matter:

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1. Frederick W. Brown
2. Patrick Fattom, LS
3. Angelo J. Valetutto, P.E., P.P.; and

WHEREAS, the Applicants request the following variances:

1. Variance from Section 115-10. C. the enlarge the existing undersized Lot 13 from .61 acres to 1.268 acres gross where the Ordinance requires 10 acres minimum.
2. Variance from Section 115-22.H.(2)(c)[2] to construct a new garage on Lot 13 with a proposed height of 21.8 feet versus 16 feet permitted.
3. Variance for proposed garage accessory building that is not subordinate to the existing principal dwelling on Lot 13 as the accessory building is larger than the principal residence and therefore not subordinate and incidental to the principal building.
4. Variance to permit impervious surface area on Lot 13 of 20% where 10% is permitted but Ordinance Section 115-10.c.
5. Variance for principal building front yard setback on Lot 13 of 63.5 feet where 75 feet is required by Ordinance Section 115-10.c.
6. Variance for principal building side yard setback on Lot 13 of 23.58 feet where 50 feet is required by Ordinance Section 115-10.c.

7. Front yard setback of 196.20 feet for accessory building on Lot 13 where 200 feet is required by ordinance.
8. Lot width for Lot 13 where 176.26 feet is provided and 250 feet is required by ordinance.

WHEREAS, the following exhibits were marked into evidence:

- A-1 Affidavit of Publication, Affidavit of Service, Certified list of Property Owners within 200 feet, White slips and Public Notice, and Affidavit of Publication; and
- A-2 Photo of properties (Google)
- A-3 List of items owned by Applicant and photographs of items to be stored in the barn (17)
  - A-4 Deed for Lot 13 conveying Title to the Browns
  - A-5 Deed for Lot 12.01 conveying Title to the Browns
  - A-6 9 photographs
    - 1. Old residence
    - 2. Neighbor pole barn
    - 3. Neighbor pole barn
    - 4. Pole barn being built in neighborhood
    - 5. Farm across street
    - 6. Farm across street
    - 7. Farm across street
    - 8. Farm across street
    - 9. Pharmaceutical farm in the area
  - A-7 Plans for proposed barn
  - A-8 Photograph of septic lid that is shown on the survey but is not attached to septic.
  - A-9 Boundary line adjusted plan by Patrick Fattom
  - A-10 Resume of Angelo J. Valetutto, P.E., P.P.

WHEREAS, all Jurisdictional requirements have been satisfied; and

WHEREAS, the Board has reviewed the Exhibits, has heard the evidence and testimony given by the Applicant's witnesses, the Board's professionals, and members of the Public who appeared, the Board hereby makes the following findings of fact and conclusions of law:

1. The Board has Jurisdiction to proceed.
2. The subject properties are located in the AR Zone in the Township of Alexandria, County of Hunterdon, State of New Jersey. The Applicants currently own both Lots 12.01 and 13. The Applicants propose to reconfigure Lot 12.01

by transferring .65 acres of property and joining that property with Lot 13. This will result in the revised Lot 12.01 consisting of 11.925 acres gross and Lot 13 consisting of 1.268 acres gross. The County of Hunterdon requires a dedication along the adjoining public road which would result in revised Lot 13 having a net acreage of 1.238 acres. Upon revised Lot 13 the Applicant proposes to construct a 46 foot by 60 foot (2760 square foot) garage barn as an accessory building to the existing dwelling. Applicant's notice and Applicant's testimony indicated that the height of the proposed accessory structure would be 21.8 feet in order to accommodate the Owner/Applicant's farm equipment, trailers and other vehicles as outlined in Exhibit A-3. Applicant's testimony indicated that two of the vehicles on Exhibit A-3 were actually construction vehicles. The Applicant agreed that these vehicles were not the type of vehicles necessary or normal and customary on a residential property and therefore would not be housed on the subject property.

3. The Applicant's surveyor outlined the survey of both Lots and the proposed location of the accessory structure. The Board's professionals recommended during the hearing that additional gravel driveways beyond those shown on the original plans submitted be allowed so as to carry the loads of the equipment to be stored in the accessory building including a large motor home. This raised the requested impervious coverage variance to 20% and the Applicant requested this variance request be so revised.
4. Applicant's professional planner testified that the requested variances could be justified from a planning perspective, including:
  - a. Promotion of the general welfare (N.J.S.A. 40:55D-2.a), as pertains to variances allowing the proposed garage and accessory building height by providing a benefit to the public through the proper storage of vehicles, equipment and personal belongings normally stored in a garage and out of public view;
  - b. Providing adequate open space (N.J.S.A. 40:44D-2.c) by granting the subdivision to increase the lot area of non-conforming Lot 13 and thereby making the parcel less non-conforming than as it exists at the time of application;
  - c. Encouraging coordination of the various public and private procedures shaping land development with a view toward more efficient use of land (N.J.S.A. 40:55D-2.m.) through the granting of variances for lot size, setbacks, lot width, and impervious coverage, by recognizing that Proposed Lot 13 is able to accommodate the development contemplated despite the type and number of variances required and granted by the Board.

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5. Several items shown on the plans submitted were discussed at the meeting. The septic tank identified on the plans was indicated by testimony not to be a septic tank but a septic lid which had somehow been left on top of the ground on the property. Exhibit A-8 shows that the septic lid was not currently in use. In addition the Applicant and the Applicant's professionals testified that there was no intended commercial nor business use of the structures on Lot 13 including the proposed accessory structure. The accessory structure is to have electricity but is not to have central heat nor water nor bathroom facilities.
  6. Various members of the public appeared and all were in favor of the Applicant's Application. There were no member of the public who appeared in opposition to the Application nor the granting of the requested relief.

NOW, THEREFORE, BE IT RESOLVED, BY THE ALEXANDRIA TOWNSHIP LAND USE BOARD, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY that the requested minor subdivision approval with the requested variances be and are hereby granted and approved subject to the following conditions:

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1. All taxes, fees, assessments, escrows and other monies due to the Township of Alexandria or this Board in conjunction with the Application shall be paid in full and all the escrow accounts shall continue to be maintained at an appropriate level in accordance with the escrow agreement executed by the Applicant and the Ordinances of the Township of Alexandria.
  2. Applicant to revise the plans to the satisfaction of the Board Planner and Board Engineer prior to the signing of the subdivision deeds.
  3. No business or commercial uses to be made of the accessory structure herein approved on Lot 13. In addition, there shall be no storage of construction equipment in the barn but only equipment and vehicles normally and customarily stored in connection with a residential and agricultural use of Lot 13.
  4. The only utility to be connected to the accessory structured approved herein is electric service. There shall be no water service, central heat nor bathroom facilities installed in the accessory structure.

5. The revised plans are to be attached to the subdivision deeds in reduced form and recorded with the subdivision deeds. A summary of the conditions in this Resolution is also to be included with the subdivision deeds so that subsequent purchasers are noticed of the Application which was made and the conditions which were imposed.

I HEREBY CERTIFY that the foregoing is a true copy of the Resolution adopted by the Land Use Board of the Township of Alexandria on \_\_\_\_\_, 2018 by a vote of \_\_\_\_\_ For and \_\_\_\_\_ Against and \_\_\_\_\_ abstained for approval.

\_\_\_\_\_  
Phillip Rochelle, Board Chairman  
Date Adopted

**Land Use Attorney Gianos** advised the board to have a five minutes recess. Motion made for five minute recess by **Kimsey** and seconded by **Pfefferle**. **All Ayes, No Nays.**

Motion made to go back into meeting by **Pfefferle** and seconded by **Giannone**. **All Ayes, No Nays.**

**Frenchtown Care Home, Inc.**

**Blk 18 Lot 39**

**115 Route 513**

**Application No. 2018-3**

Applicant Attorney Guy Desapio advised that the owners of Frenchtown Care Home, officers Chintan Pate, and Myla Dizan, the purchasers of Valley View, would like to open a residential care facility, not a nursing home facility. Recent zoning changes in the area may have an impact on the owners changing the facility to residential care. Attorney De Sapio believes that they are able to meet the use requirements of the new Ordinance, as long as they agree to help with the townships affordable housing obligations, which the applicants are prepared to do. Applicants are seeking an interpretation of the permitted use to see if the use is the same. Land Use Engineer Decker issued a review letter of completeness on June 19th. There are two aspects of completeness. The first is the interpretation of the zoning ordinance. In question is whether the proposed Residential Care Facility complies with an Assisted Living and Congregate Care Facility as permitted in the AR District as a conditional Use. Excerpt from letter below:

**Zoning Interpretation Completeness Review:**

~~Applicant seeks a zoning interpretation. In question is whether the proposed Residential Care Facility complies with an Assisted Living and Congregate Care Facility as permitted in the AR District as a Conditional Use. Upon review of the Alexandria Township Board of Adjustment Check List, the following items have been noted as deficient:~~

1. Location of onsite well.
2. Building rendering in elevation

Granting of waivers for completeness purposes may be appropriate for the purposes of Board's review of the requested interpretation.

### **Minor Site Plan and Variance Completeness Review**

Should the Board determine that the proposed Residential Care Facility qualifies as a Conditional Use, the applicant requests that the Board consider a Minor Site Plan and Variances required for compliance with the Conditional Use. Upon review of Alexandria Township's Development Review Checklist – Section A, the following items have been noted as deficient.

#### **A-1 Payment of application and escrow fees**

*Application and escrow fees were submitted for the Zoning Interpretation request, however fees and escrow fees were not posted for the Minor Site Plan and Variance Review. Required fees are calculated as follows in accordance with Ordinance §115-71:*

*Application Fee:*

*Minor Site Plan = \$250.00 -  
NJSA 40:55D-70d(3) Variance = \$350.00  
Total Application Fee = \$600.00*

R-6420.017 Frenchtown Care -Completeness Review - 6-19-18.doc

Page 3 of 4

*Escrow Fee:*

*Minor Site Plan = \$1,500.00  
NJSA 40:55D-70d(3) Variance = \$2,000.00  
Total Application Fee = \$3,500.00*

#### **A-2 Three (3) copies of completed application form**

*Copies of the Township Alexandria Application for Development Application (Attachment 6) were not provided.*

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#### **A-4 Receipt indicating delivery of an application to the Hunterdon County Planning Board.**

#### **A-5 Applicant's email address**

#### **A-6 Owner's email address**

#### **A-10 Copies of any existing protective covenants or deed restrictions....applying to the land.**

*None were submitted. Applicant should confirm that none exist or are proposed for the property.*

#### **A-16 Signature and seal of licensed preparer of plan(s).**

*The survey plan as provided cut off the title block showing the surveyor's name and signature. Survey plan was not sealed.*

#### **A-22 Written and graphic scales on each sheet of the plans, as applicable.**

*The survey plan as submitted is a reduced copy on 11"x17" and not to the 1"=50' scale as shown on the plan. Full size copies of the plan should be provided.*

#### **A-24 Name and block and lot number of all property owners within two hundred feet of the tract.**

*List of property owners on the cover sheet is missing the owner information for Block 18, Lots 39.01 & 41.*

The second part of the completeness review is that should the board deem that it is a permitted use in the zone that the board act on a minor site plan instead of a major site plan. Engineer Decker recommended that the zoning interpretation completeness review be deemed complete and granting waivers for those two items. Question if there is

a notice to parties for all three lots, but only had notification to the one lot. DeSapio advised that he will contact the tax assessor for all three lots. Engineer Decker advised that notification needs to be completed before next land use board meeting. DeSapio asked questions regarding application fees and question about the surveys needed for the professionals and board. Definition of Residential Care in the application is on page 5 of application which states "Residential Health Care facilities cater to residents who are able to get around on their own and are able to perform activities of daily living with minimal assistance." This facility has an occupancy class of I-1 classification, which has two conditions one being they can self-evacuate in the event of an emergency and need no assistance and the second being that residents may require limited assistance either physically or mentally in an emergency situation. Building department would handle the requirements for the building to accommodate these requirements like sprinklers and alarms. Discussion ensued regarding parking spaces which should be .5 parking spaces per bed. **Attorney Gianos** recommended to deem the zoning interpretation complete with two permanent waivers of the onsite well and the building rendering; and the minor site plan complete with temporary waivers of the nine items listed in Engineer Deckers completeness review letter. Motion made by **Kimsey** and seconded by **Pfefferle**, **All Ayes: Freedman, Tucker, Garay, Pfefferle, Giannone, Kimsey, Chair Rochelle**. **No Nays. Motion carried.**

Board discussed having the availability of plans for applications and drawings to be submitted electronically. Committee asked Mr. Decker to generate a letter recommending the forms online to be submitted electronically. Motion made by **Tucker** and seconded by **Kimsey** **All Ayes, No Nays.**

Approval of bills:

Banisch , Land Use Planner – Brown Application - \$58.00

Gianos, Land Use Attorney – Brown Application - \$510.00

Gianos, Land Use Attorney – Hahola Farms - \$30.00

Gianos, Land Use Attorney – General - \$390.00

A motion was made to approve the bills by **Mayor Garay** and seconded by **Pfefferle**. **All Ayes, No Nays**

A motion to approve the minutes of May 17, 2018 Meeting Minutes was made by **Pfefferle** and seconded by **Garay**. **Vote: All Ayes. No Nays. Motion carried.**

No Comments from the Public

A motion to adjourn was made by **Tucker** and seconded **Pfefferle** at 8:20pm. **Vote: All Ayes. No Nays.**

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**Leigh Gronau, Board Secretary**